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9                   UNITED STATES DISTRICT COURT  
10                   WESTERN DISTRICT OF WASHINGTON  
11                   AT TACOMA

12                  JOEL B THORNTON,

13                   Petitioner,

14                   v.

15                  DAN PACHOLKE,

16                   Respondent.

17                   Case No. C07-5483RBL/JKA

18                   ORDER ADOPTING REPORT  
19                   AND RECOMMENDATION

20                  The Court having reviewed the Report and Recommendation of the Hon. J. Kelley Arnold  
21                  United States Magistrate Judge, objections to the Report and Recommendation, if any, and the  
22                  remaining record, does hereby find and Order:

- 23                 (1)      The Court adopts the Report and Recommendation;
- 24                 (2)      This petition is unexhausted. The petition is **DISMISSED WITHOUT  
25                   PREJUDICE.**
- 26                 (3)      The clerk is directed to send copies of this Order to Petitioner, and the Hon. J. Kelley  
27                   Arnold.

28                  DATED this 21<sup>st</sup> day of April, 2008.

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31                   RONALD B. LEIGHTON  
32                   UNITED STATES DISTRICT JUDGE

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34                  ORDER - 1